

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 15, 2006

DIVISION ONE

B171017 Global Compliance, Inc. (Not for Publication)
v.
American Labor Law Company et al.

The summary judgments and their attendant attorney fee awards are reversed (B172497, B173706, B174694). The \$6,300 discovery sanction award as to American Labor Law Company is affirmed (B171017). The appeal from the \$3,000 discovery sanction award as to Mango Graphics Corporation and its attorneys, jointly and severally, is deemed to be a petition for an extraordinary writ of mandate and denied (B171017). Global Compliance, Inc., doing business as Compliance Poster Company, shall recover its costs on appeal.

Mallano, Acting P.J.

In concur: Rothschild, J.
I concur in judgment only: Vogel, J.

B175796 Global Compliance, Inc. (Not for Publication)
v.
American Labor Law Company

The appeal from the order denying an award of attorney fees in the amount of \$174,174.50 against Global Compliance, Inc., doing business as Compliance Poster Company, for bad faith pursuit of a misappropriation of trade secrets claim (Civ. Code, § 3426.3) is dismissed as moot. Global Compliance, Inc., is to recover its costs on appeal.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.
Rothschild, J.

DIVISION ONE (Continued)

B171990 Karen Engle-Grogan, et al.
 v.
 Joyce T. Sussman, et al.

Filed order denying petition for rehearing.

DIVISION TWO

B184022 V.C. a minor, etc.
 v.
 Los Angeles Unified School District

Filed order certifying opinion for publication.

DIVISION THREE

B187570 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Claudia S.
 In re LINDSEY L. and DANIEL L.,

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B181229 People (Certification for Publication)
 v
 Leonard James McSherry

The judgment is reversed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (Continued)

B173622 Barbara Turner (Not for Publication)
v.
Chevron Corporation, Inc. et al

The judgment is reversed. Plaintiff and appellant Barbara Turner is to recover her costs on appeal.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B180030 People (Not for Publication)
v.
Yesica Maribel Cambero et al

As to Cambero, the judgment is modified to delete the 15-year term before parole eligibility and the reference in the abstract of judgment to the Three Strikes law. As so modified, the judgment is affirmed.

As to Rodriguez, the abstract of judgment is modified to reflect imposition of a firearm enhancement under section 12022.53, subdivision (d), rather than subdivision (b). As so modified, the judgment is affirmed.

The clerk of the superior court is directed to prepare and forward to the Department of Corrections an amended abstract of judgment for each appellant.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B186140 Mid-Century Insurance Company
v.
S.C.L.A.

Filed order denying petition for rehearing.

DIVISION FOUR

[illegible]

Condition number 12 of appellant's probation is modified to require that appellant not knowingly be within one block of any school ground unless enrolled, attending classes, on approved school business, or with a school official, parent or guardian. Condition number 15 is modified to require that appellant not associate with anyone appellant knows is disapproved of by her parents or Probation Officer. Otherwise, the orders appealed from are affirmed.

Willhite, J.

We concur: Epstein, P.J.
Hastings, J. (Assigned)

B186337 Los Angeles County, D.C.S. (Not for Publication)
v.
Joseph M., et al.

The orders denying alleged father's section 388 petition and terminating his parental rights are affirmed, and the order terminating other's parental rights is reversed and the matter remanded for the juvenile court to comply with ICWA notice requirements. If, after satisfying the requirements of ICWA no tribe claims jurisdiction, the order terminating the parental rights of mother shall be reinstated.

Hastings, J. (Assigned)

We concur: Epstein, P.J.
Willhite, J.

DIVISION FOUR (Continued)

B181337 People (Not for Publication)
v.
Christopher H.

The minute order is modified to reflect the offense in count 1 was robbery in the second degree and that the term on count 2 was stayed pursuant to Penal Code section 654 and in all other respects the order of wardship is affirmed.

Willhite, J.

We concur: Epstein, P.J.
Hastings, J. (Assigned)

B185275 Cotton (Not for Publication)
v.
State of California, et al.

The order of dismissal is affirmed.

Epstein, P.J.

We concur: Willhite, J.
Hastings, J. (Assigned)

B182948 People (Not for Publication)
v.
Miguel H.

The order of wardship is affirmed.

Willhite, J.

We concur: Epstein, P.J.
Hastings, J. (Assigned)

May 15, 2006 (Continued)

DIVISION FIVE

B184520 People (Not for Publication)
v.
David C.

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.
 Armstrong, J.

B183837 People (Not for Publication)
v.
Carlos M.

The judgment is affirmed.

Kriegler, J.

We concur: Armstrong, Acting P.J.
Mosk, J.

B182668 Sung Jin Kim (Not for Publication)
v.
Jans Apartments, et al.

The judgment is reversed. Appellant(s) to recover costs.

Kriegler, J.

We concur: Turner, P.J.
 Mosk, J.

May 15, 2006 (Continued)

DIVISION FIVE (Continued)

B184715 People (Not for Publication)
v.
Earnie Robinson

The judgment is affirmed.

Mosk, J.

We concur: Armstrong, Acting P.J.
 Kriegler, J.

B183129 People (Not for Publication)
v.
Angela Wallace

The sentence as to count 3 is modified from one year to eight months. The aggregate term is to be seven years, eight months. Upon issuance of the remittitur, the clerk of superior court is directed to prepare and deliver to the Department of Corrections and Rehabilitation an amended abstract of judgment. The trial court is to actively and personally insure that a correct abstract of judgment is prepared. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

B185885 Los Angeles County, D.C.S.
v.
Monique P.

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed September 16, 2005) dismissed as moot.

DIVISION FIVE (Continued)

B184483 Kwang Hoon Kim et al., (Certified for Publication)
 v.
 Sony Yi, et al.,

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Turner, P.J.
 Kriegler, J.

B180606 William R. Straw, et al. (Not for Publication)
 v.
 Allen Gelbard, et al

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, Acting P.J.

We concur: Mosk, J.
 Kriegler, J.

B182500 People
 v.
 Oscar Palmer

Filed order denying petition for rehearing.

May 15, 2006 (Continued)

DIVISION SIX

B175955 Sutton (Not for Publication)

V.

Hermitage Mobile Home Sales, Inc.

The judgment is affirmed. Costs on appeal are awarded to respondents.

Coffee, J.

We concur: Gilbert, P.J.

Perren, J.

B188658 People (Not for Publication)

V.

Andrianow

The judgment (order of commitment) is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.

Perren, J.

B183429 People (Not for Publication)

V.

Singleton

The order is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.

Coffee, J.

May 15, 2006 (Continued)

DIVISION SIX (Continued)

B186263 People (Not for Publication)
v.
Estrada

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SEVEN

[illegible]

The judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.
Johnson, J.

B184030 Mojarro (Not for Publication)
v.
Sigue Corporation
Barnholtz

The order is reversed. As the imposition of sanctions was reported to the California State Bar in accordance with Business and Professions Code section 6086.7, subdivision (a)(3), we direct the clerk of this court to forward a copy of this opinion to the State Bar. Appellant shall recover his costs on appeal.

Zelon, J.

We concur: Johnson, Acting P.J.
Woods, J.

DIVISION SEVEN (Continued)

B182931 People (Not for Publication)
v.
Ayers

The judgment is modified to reflect that Ayers's two-year term on count 5 (threatening a witness) is enhanced by the lower term of two years (§186.22, subd. (b)(1)(A)) for a total of four years. The 10-year enhancement previously imposed on count 5 is ordered stricken. As modified the judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.
Woods, J.

B184446 Continental Insurance Company (Not for Publication)
v.
The Pomona Redevelopment Agency et al.

The judgment is affirmed. Respondent(s) to recover costs.

Zelon, J.

We concur: Perluss, P.J.
Johnson, J.

B177632 Melendrez (Not for Publication)
v.
Melendrez

The orders are reversed and remanded for further proceedings consistent with the views expressed in this opinion. The appellant is entitled to costs on appeal.

Woods, J.

We concur: Johnson, Acting P.J.
 Zelon, J.

May 15, 2006 (Continued)

DIVISION SEVEN (Continued)

B181648 L.C. Mornes (Not for Publication)
v.
Los Angeles County Metropolitan Transit Authority et al.

The judgment is affirmed. Each party to bear their own costs.

Zelon, J.

We concur: Johnson, Acting P.J.
Woods, J.

B183727 Los Angeles Unified School District (Not for Publication)
v.
Coinmach Corporation

The judgment is reversed and the matter is remanded with directions to the trial court to enter judgment pursuant to the referee's first statement of decision. The Laundry Companies are entitled to their costs of appeal.

Woods, J.

We concur: Johnson, Acting P.J.
 Zelon, J.

B183556 People (Not for Publication)
v.
Ronnie B.

Probation condition 15 is modified to read, "Do not associate with anyone known to you to be disapproved of by your probation officer and parents." Probation condition 16 is modified to read, "Do not have any dangerous or deadly weapon on our possession, nor remain in the presence of any person known to you to be unlawfully armed." As modified the juvenile court's order is affirmed.

Johnson, J.

I concur: Perluss, P.J.
I dissent: Woods, J. (Opinion)

May 15, 2006 (Continued)

DIVISION SEVEN (Continued)

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The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
Johnson, J.

B182909 People (Not for Publication)
v.
Ayala a.k.a. Hernandez

The enhancement for great bodily injury imposed under section 12033.77 and stayed under section 654 is stricken from counts 1 and 3. As modified the judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
 Zelon, J.

B184960 People (Not for Publication)
v.
Heather H.,

This matter is remanded to the juvenile court to clarify the wording of probation conditions 15 and 21. In all other respects, the orders are affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.

May 15, 2006 (Continued)

DIVISION SEVEN (Continued)

B182468 People (Not for Publication)
v.
Garay

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

B185712 Los Angeles County, D.C.S. (Not for Publication)
v.
Melissa T.,

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

B187107 People (Not for Publication)
v.
Juan C.,

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.

May 15, 2006 (Continued)

DIVISION SEVEN (Continued)

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The appeal is dismissed.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.

B182341 People (Not for Publication)
v.
Franco

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

B188985	Gardner v. Allstate Ins. Co.
B188986	Fine v. Safeco Ins. Co
B188987	Luscombe-Schwab v. State Farm General Ins. Co.

Filed order consolidating above captioned appeals.

May 15, 2006 (Continued)

DIVISION EIGHT

B187171 Kevin Tien (Certified for Publication)

v.

Superior Court, Los Angeles County
(Tenet Healthcare Corp., r.p.i.)

The petition for writ of mandate is granted. The respondent court is directed to vacate its October 4, 2005 order denying plaintiffs' motion for a protective order and to thereafter enter a new and different order granting the motion. Petitioner is entitled to recover his costs in this writ proceeding. (Cal.Rules of Court, rule 56(l)(1).)

Cooper, P.J.

We concur: Rubin, J.
 Boland, J.